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W.P.No.33780 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **MUMMINENI SUDHEER KUMAR**

W.P.No.33780 of 2025

R.Sundararaji,
Vice President,
Brammapuram Village Panchayat,
Katpadi Panchayat Union,
Vellore District – 632 014.

... Petitioner

Vs.

1.The District Collector,
Vellore District, Vellore.

2.The Thasildhar,
Katpadi Taluk,
Vellore District.

3.The Block Development Officer (VP),
Katpadi Panchayat Union,
Katpadi & Post,
Vellore District.

4.P.Ilayaraja

... Respondents

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Mandamus directing the respondents 1 to 3
to remove unauthorised cement road laid in S.F.No.463 of

Page Nos.1/7



W.P.No.33780 of 2025

Brammapuram Village, Katpadi Taluk, Vellore District and restore the said land in favour of the petitioner village panchayat.

WEB COPY

For Petitioner : Mr.S.Kamadevan
For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader
for R1 and R2
Mr.S.Jayachandran,
Government Advocate for R3

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

Captioned 'Writ Petition' [hereinafter 'WP' for the sake of brevity] has been filed with a RoE (Removal of Encroachment) prayer.

2. Subject matter of captioned WP is a 'land comprised in S.F.No.463 in Brammapuram Village, Katpadi Taluk, Vellore District' (hereinafter 'said land' for the sake of convenience and clarity).

3. Mr.S.Kamadevan, learned counsel on record for writ petitioner submits that said land has been classified as 'kalam poramboke' in revenue records, it is therefore public land but private respondent (R4) has laid a concrete road for transporting sand.



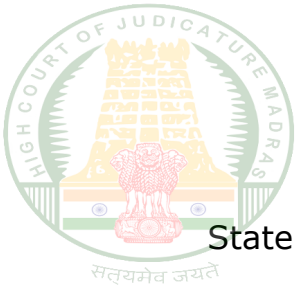
W.P.No.33780 of 2025

4. Learned counsel for writ petitioner submits that repeated requests to official respondents, have not yielded results (to the knowledge of writ petitioner) and that has necessitated the captioned WP.

5. Issue notice to official respondents.

6. Mr.T.K.Saravanan, learned Additional Government Pleader, accepts notice for R1 and R2 and Mr.S.Jayachandran, learned Government Advocate, accepts notice for R3.

7. Learned State counsel submits on instructions that RoE proceedings qua said land has already been commenced under 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity}. Learned State counsel submits that a notice by the jurisdictional Revenue Inspector being notice under Section 7 of said 1905 Act (dated 12.05.2025) was issued to R4, R4 did not respond and now, an order under Section 6 of said 1905 Act being an order dated 02.09.2025 has been made by R2 (Tahsildar, Katpadi Taluk, Vellore District). This submission of learned



W.P.No.33780 of 2025

State counsel is recorded.

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8. The above means that proceedings that have been kick-started under said 1905 Act, now have to be carried to its logical end. Learned State counsel submits that Section 6 order made by R2 has been despatched to R4 on 02.09.2025. In the light of sub-section (1) of Section 11, R4 has thirty days time to prefer a statutory appeal against Section 6 order and this statutory appeal now will lie to R1 (District Collector, Vellore). There is also provision to seek interim stay vide Section 10-B of said 1905 Act. This also means that State will have to wait for thirty days from the date of service of 02.09.2025 Section 6 order on R4.

9. Thereafter, law will take its course depending on whether R4 prefers an appeal or not. Either way, the matter has to be carried to its logical end on its own merits and in accordance with law. In view of this observation, we make it clear that this order does not impact the rights of R4 in any manner. On the contrary, we make it clear that rights and contentions of R4 to pursue the remedies *inter alia* under said 1905 Act will stand preserved. Therefore, there is no impediment in dispensing with notice to R4 and taking up the captioned WP in the



W.P.No.33780 of 2025

Admission Board with the consent of learned counsel for writ petitioner and learned State counsel. We do so.

10. We deem it appropriate to write that the proceedings kick-started under said 1905 Act shall be carried to its logical end on its own merits and in accordance with law as already alluded to supra and this will suffice to give a closure to the captioned WP.

11. Captioned WP is disposed of in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.) (M.S.K.,J.)
09.09.2025

Index : Yes / No
Neutral Citation : Yes / No
mmi

To

1.The District Collector,
Vellore District, Vellore.

2.The Thasildhar,
Katpadi Taluk,
Vellore District.

3.The Block Development Officer (VP),
Katpadi Panchayat Union,

Page Nos.5/7



Katpadi & Post,
Vellore District.

WEB COPY



W.P.No.33780 of 2025

**M.SUNDAR, J.,
and
MUMMINENI SUDHEER KUMAR, J.,**

mmi

W.P.No.33780 of 2025

09.09.2025

Page Nos.6/7



WEB COPY



W.P.No.33780 of 2025